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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 KATHERINE KING,

13 Plaintiff,

14 vs.

15 EXPERIAN INFORMATION  
16 SOLUTIONS, INC., et al.,

17 Defendants.

Case No.: 4:16-cv-05711-YGR

**NOTICE OF MOTION AND  
MOTION TO DISMISS BY  
DEFENDANT EQUIFAX, INC.**

**Date: February 28, 2017**

**Time: 1 p.m.**

**Courtroom: 1-4<sup>th</sup> Floor**

**The Honorable Yvonne Gonzalez  
Rogers**

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22 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that on February 28, 2017 at 1 p.m. in Courtroom  
24 1, 4<sup>th</sup> Floor of the above-captioned Court, located at 1301 Clay Street, Oakland,  
25 California, 94612, the Honorable Gonzalez Rogers presiding, Defendant Equifax, Inc.  
26 will and hereby does move this Court for an Order, pursuant to Rule 12(b)(6) of the  
27 Federal Rules of Civil Procedure, dismissing the Complaint filed by Plaintiff  
28

1 Katherine King against it on the grounds that Plaintiff's Complaint, and each cause  
2 of action asserted therein, fails to state a claim upon which relief may be granted.

3 This Motion will be based on this Notice of Motion and Motion, Experian  
4 Information Solutions, Inc.'s Motion to Dismiss, all the papers on file in this action,  
5 and any further evidence or argument that the Court may consider.

6  
7 Dated: December 15, 2016

NOKES & QUINN

8 /s/ Thomas P. Quinn, Jr.

THOMAS P. QUINN, JR.

9 Attorneys for Defendant

10 EQUIFAX, INC.

1 Equifax, Inc.<sup>1</sup> hereby adopts the arguments made by Experian Information  
2 Solutions, Inc. in its Motion to Dismiss filed November 15, 2016 in this case (Doc.  
3 31). *See* Exhibit A attached hereto.

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5  
6 Dated: December 15, 2016

NOKES & QUINN  
/s/ Thomas P. Quinn, Jr.  
THOMAS P. QUINN, JR.  
Attorneys for Defendant  
EQUIFAX, INC.

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<sup>1</sup> Equifax, Inc. is not a “consumer reporting agency” (“CRA”) as that term is defined by the FCRA, and, therefore, is not a proper party to this action. *See Greear v. Equifax, Inc.*, No. 13-11896, 2014 WL 1378777 (E.D. Mich. Apr. 8, 2014); *Slice v. Choicedata Consumer Servs., Inc.*, No. 04-cv-428, 2005 WL 2030690 (E.D. Tenn. Aug. 23, 2005); *Ransom v. Equifax, Inc.*, No. 09-80280, 2010 WL 1258084 (S.D. Fla. Mar. 30, 2010); *Channing v. Equifax, Inc.*, 11-cv-293, 2013 WL 593942 (E.D.N.C. Feb. 15, 2013).

**CERTIFICATE OF SERVICE**

**Katherine King v. Experian Information Solutions, Inc., et al.**  
**Case No.: 4:16-cv-05711-YGR**

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Orange, State of California, and not a party to the above-entitled cause.

On **December 15, 2016**, I served a true copy of:

**DEFENDANT EQUIFAX, INC.'S**

**NOTICE OF MOTION AND MOTION TO DISMISS**

☐ By personally delivering it to the persons(s) indicated below in the manner as provided in FRCivP5(B);

☐ By depositing it in the United States Mail in a sealed envelope with the postage thereon fully prepaid to the following;

☒ By ECF: On this date, I electronically filed the following document(s) with the Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to all other parties appearing on the docket sheet;

I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

I hereby certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ Thomas P. Quinn, Jr.  
THOMAS P. QUINN, JR.

Place of Mailing: Laguna Beach, California.

Executed on **December 15, 2016** at Laguna Beach, California.

**SERVICE LIST**

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